



THE COMPASS SCHOOL
SPECIAL EXCEPTION AMENDMENT APPLICATION

STATEMENT OF JUSTIFICATION

I. APPLICATION OVERVIEW

Childcare Holdings of Ashburn, LLC (the "Applicant") is the owner of a parcel of land located in the southeast quadrant of the intersection of Russell Branch Parkway and Navajo Drive (the "Property"). The Applicant is seeking approval of a Special Exception ("SPEX") amendment application to allow a 13,168 square foot child care center on the Property with associated parking and play area.

II. PROPERTY LOCATION

The Property is bounded to the north by Russell Branch Parkway and to the west by Navajo Drive, single-family detached dwellings and land in the ownership of the Ashbrook Homeowners Association. Further single-family detached dwellings and Ashbrook Homeowners Association property lie to the south and east of the Property. The Property is zoned PD-IP under the 1993 Loudoun County Zoning Ordinance, covers approximately 2.19 acres and is more particularly identified as Tax Map 62((L/1)), Parcel 3 (MCPI# 084-30-9250).

The Property lies within the Broad Run District and is planned for Business uses pursuant to the Revised General Plan (the "RGP"). Current planned land uses adjacent to the Property include Business and Residential on the properties south of Navajo Drive, and Keynote Employment on the properties north of Russell Branch Parkway. The Property is zoned PD-IP pursuant to the Revised 1993 Zoning Ordinance (the "Ordinance"), and is subject to SPEX 2005-0005/ZMOD 2005-0007 with approved conditions.

III. BACKGROUND AND SPECIAL EXCEPTION PROPOSAL

In March 2006, SPEX 2005-0005/ZMOD 2005-007 was approved by the Board of Supervisors, to allow a day care use on the Property. The Applicant initially proposed a childcare facility of 13,861 square feet to accommodate 250 children. After concerns were raised with the application from surrounding residents and the Planning Commission, the applicant reduced the size of the facility and the size of the proposed enrollment. The ultimate approval allowed a 9,960 square foot facility with associated play area and parking spaces and an enrollment of 200 children. This approval has not been implemented. The Property is now owned by the Applicant, which has a number of existing childcare facility across the Country.

Unlike many other childcare programs, The Compass School offers a project-based approach to education, inspired by the Reggio method of educating the very young. The curriculum focuses more on encouraging children to question, discover, test and exhibit ideas rather than providing them with specific answers and incorporates student's interests and curiosity in lesson planning. The curriculum covers all disciplines, from math to science to music, art, drama and language. Unlike the layout of the approved building at the Property, the Compass curriculum incorporates rooms specific to its program, including "think tanks" and rooms for discovering world markets, art, invention and navigation.

The Applicant is proposing a one-story building totaling 13,168 square feet with a maximum height of 40 feet. The proposed Compass School would have a maximum enrollment of 200 children. As shown on Sheet 2 of the special exception plat, the building will be located along the Property's eastern boundary, with parking to the north and west and a play area to the south. In determining the size and layout of the proposed facility, the Applicant has arranged a number of meetings with residents of the surrounding Ashbrook community. These meetings have been well attended. At the meeting held on April 14, 2008, the surrounding community expressed their preference for the proposed SPEX amendment design, including increased square footage and revised site layout, over the existing SPEX approval.

IV. PARKING

Section 5-1100 of the Zoning Ordinance sets out that 72 parking spaces are required by the proposed use. To reflect the approved special exception for the Property, the Applicant is proposing 73 parking spaces. In addition, Section 5-609(B)(2)(b) of the Ordinance requires that 10 additional parking spaces are provided for pick-up and drop-off use only. The Applicant does not believe that these additional spaces are necessary. Section 5-600 of the Ordinance confirms that the requirement for these additional parking spaces can be modified by minor special exception if the Board of Supervisors finds that such modification will achieve an innovative design, improve upon the existing regulations or otherwise exceed the public purpose of the existing regulations. For the reasons set out below, the Applicant believes that the 10 additional pick-up and drop-off spaces (or 9 spaces when taking into account the proposed provision of 73 parking spaces) are not necessary for the proposed Compass School, believes that the proposal improves upon the existing regulations and has submitted a minor special exception application seeking to remove this requirement.

- a) A Parking Reduction Study has been prepared by Gorove/Slade (dated November, 4, 2008) and is included with this submission. The Study was undertaken to demonstrate the actual level of parking required by the proposed Compass School, based on the requirements of an existing Compass School in Manassas (see enclosed). The Study included an analysis of parking space demand at the Manassas school during two typical weekdays and found the maximum parking occupancy to be 41 spaces. Based on these findings, the Study has found that the proposed school at Ashbrook would have a maximum daily parking occupancy rate of 46 spaces. The Applicant,

therefore, believes that the proposed 73 spaces at the Property will be sufficient to meet the parking needs of the proposed use and that the 10 additional spaces are not necessary.

- b) The Compass School has four existing schools in Ohio, Illinois and northern Virginia and has not previously provided additional drop-off and pick-up parking spaces. These facilities all operate without such spaces and The Compass School does not believe that the proposed school at Ashbrook will be any different. Furthermore, the additional pick-up and drop-off parking spaces were not required as part of the existing special exception for a childcare facility on the Property, which was approved in 2006. Finally, it is interesting to note that the Manassas Compass School has a maximum enrollment of 246 children and 34 employees and was only required to provide 51 parking spaces.
- c) As shown on the Special Exception Plat, the Applicant is proposing to dedicate 10 parking spaces for pick-up and drop-off use only. However, these spaces will be part of the 72 spaces already required for the Property. Nonetheless, the Applicant is incorporating the purpose of these additional spaces.
- d) The Applicant has consulted with the Ashbrook HOA Board during a meeting in October, 2008, at which the Board expressed a preference for the removal of the ten additional parking spaces from the proposal. The Board determined that if the additional spaces were not necessary, it would prefer that open space and play areas were maximized at the Property and the amount of paving was minimized.
- e) The provision of the 10 additional parking spaces, which for the reasons discussed above are not necessary for the proposed Compass School, would increase impervious surfaces and increase surface run-off at the Property.

In light of the above, the Applicant believes that by reducing the need for the additional parking spaces, the proposal will improve upon the existing regulations by removing the need for parking spaces that are not necessary for the proposed use. This will allow more green space to be preserved on the Property and for non-porous surfaces to be reduced.

V. COMPLIANCE WITH THE REVISED GENERAL PLAN

Under the policies of the Revised General Plan, Business land uses in the Suburban Policy Area are intended to provide a mix of uses which creates "an environment where individuals not only can one work, but where they can live and have convenient access to services, shops, and recreation" (RGP p.6-15). The one-story building is clearly consistent with the objectives of the Business policies of the RGP and is designed to provide convenient access for the Ashburn community to a childcare center.

VI. TRANSPORTATION

A traffic impact study has been prepared by Gorove/Slade Associates to assess describe a traffic impact analysis undertaken for the proposed SPEX amendment. The study confirms that the intersections of Russell Branch Parkway and Navajo Drive and Russell Branch Parkway and Ashburn Village Boulevard currently operate at acceptable levels of service and would continue to do so with the additional trips associated with the proposed use. Further, the study found that the intersection of Navajo Drive and the entrance to the Property would also operate at an acceptable level of service with forecasted vehicle trips. The study confirms that the traffic associated with the proposed use of the Property will have a negligible impact on the surrounding road network and will not generate the need for road improvements.

VII. SUMMARY

The proposed child care center is consistent with the land use policies of the Revised General Plan and is in conformance with the requirements of the Zoning Ordinance. The Applicant is seeking the amendment of an approved special exception use to allow the development of a Compass School at the Property. Based on the foregoing, the Applicant respectfully requests favorable consideration of the Application by Staff, the Planning Commission and the Board of Supervisors.

ISSUES FOR CONSIDERATION

1993 ZONING ORDINANCE SECTION 6-1310

The following issues for consideration and the Applicant's addressing of these issues covers both the special exception amendment submitted for the child care facility and a minor special exception to allow the reduction of pick-up and drop-off parking spaces.

Issue A: *Whether the proposed special exception is consistent with the Comprehensive Plan.*

The Property is subject to the Revised General Plan's Suburban Policy Area land use recommendations. The Planned Land Use Map designates the Property for Business uses. The RGP confirms that a mix of uses in areas designated for Business uses will create an environment where individuals can not only work, but where they can live and have convenient access to services, shops and recreation. The Applicant believes that the proposed use will improve the services available to residents in the Ashbrook and Ashburn communities and will serve employees in the surrounding business community.

Issue B: *Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.*

The proposed use will be constructed to comply with all applicable fire safety and building requirements.

Issue C: *Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.*

The Applicant does not anticipate any noise will be generated by the proposed building. With regard to the proposed play area, the Applicant is proposing to enclose this area with a 6 foot high opaque fence. Required buffer planting will be placed on the outside of the fence so as to provide screening and further mitigation of possible noise impacts. Furthermore, as shown on the special exception plat, residential properties in close proximity to the proposed play area are predominantly separated from the Property by existing open space in the ownership of the Ashbrook Home Owners Association ("HOA").

As shown on the special exception plat, the Applicant is proposing to locate parking spaces in the northern portion of the Property, away from residential parcels. Furthermore, additional open space in the ownership of the HOA separates the Property from any of the surrounding homes. The decision to locate the play area closer to these properties was made in consultation with the HOA, who expressed a preference to have the play

area closer to their homes than parking spaces.

Issue D: *Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.*

All lighting for the proposed special exception use will be designed to minimize glare on adjacent uses, to the extent possible.

Issue E: *Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.*

The Property is surrounded by residential properties and open space zoned PD-H6. The Zoning Ordinance permits childcare facilities in this district by-right (together with other similar uses) and as such, the Applicant believes that the childcare facility is compatible with its surrounding uses. Furthermore, the Applicant is seeking to modify an existing special exception approval for a childcare facility on the Property, which is valid until 2011.

Issue F: *Whether there is sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.*

The proposed special exception use will satisfy all County landscaping, buffering and screening requirements, as such may be modified with this application. Furthermore, the Applicant is proposing additional buffer screening along the western boundary of the Property and will provide a 6 foot high opaque fence around the proposed play area with required buffer planting on the outside of the fence.

As shown on sheet 3 of the special exception plat, the proposed vegetation is expected to provide appropriate screening of the proposed use.

Issue G: *Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.*

The development of the proposed use will protect and preserve an existing area of wetlands on the Property. The Property does not include any other features that could be preserved.

Issue H: *Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.*

The Property does not contain any significant animal habitats or vegetation, and the proposed special exception use will not negatively impact water or air quality.

Issue I: *Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.*

The proposed special exception use will be conveniently located to serve residents of the Ashbrook and Ashburn community and surrounding areas of Loudoun County, including employees within the surrounding business community.

The Application is proposing a pedestrian crossing of Russell Branch Parkway to connect existing sidewalks on Navajo Drive and the southern edge of Russell Branch Parkway with the retail area on the north side of the Parkway. This would be the only pedestrian crossing in close proximity to Navajo Drive and will be an important benefit to residents of Ashbrook.

Issue J: *Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.*

The Property is already served by roads and pedestrian connections. A traffic study has been undertaken by Gorove/Slade and has found that no traffic improvements would be generated by the proposed use.

As shown on the special exception plat, the Applicant is proposing to extend existing sidewalks on the eastern side of Navajo Drive into the Property. This will provide a pedestrian connection from the proposed childcare facility to existing pedestrian facilities on Navajo Drive and Russell Branch Parkway. Furthermore, the special exception plat also proposes a crosswalk over the entrance to the Property to link existing sidewalks on either side of the Property's entrance.

As discussed above, the Applicant is proposing a pedestrian crossing over Russell Branch Parkway to link the proposed use with the retail are on the northern side of the Parkway.

Issue K: *Whether, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of Loudoun County.*

Not applicable.

Issue L: *Whether the proposed special exception will be served adequately by essential public facilities and services.*

The proposed special exception use will be served by public water and sewer facilities.

Issue M: *The effect of the proposed special exception on groundwater supply.*

The proposed special exception use will not adversely impact groundwater supplies. The proposed use will be served by public water.

Issue N: *Whether the proposed use will affect the structural capacity of the soils.*

The proposed special exception use will not adversely impact the structural capacity of the soils.

Issue O: *Whether the proposed use will negatively impact orderly and safe road development and transportation.*

The additional traffic associated with the proposed special exception use will not negatively impact the surrounding public road system.

Issue P: *Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.*

The proposed special exception use will provide desirable employment opportunities and will generate additional tax revenues to benefit the County.

Issue Q: *Whether the proposed special exception considers the needs of agriculture, industry, and business in future growth.*

Not applicable to this application.

Issue R: *Whether adequate on and offsite infrastructure is available.*

The existing public infrastructure (water and sewer) is adequate to support the proposed use.

Issue S: *Any anticipated odors which may be generated by the uses on-the site, and which may negatively impact adjacent uses.*

The proposed special exception use will not generate any offensive odors.

Issue T: *Whether the proposed special exception uses sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas.*

Any possible impacts will be appropriately mitigated during construction of the proposed use.

REQUESTED ZONING MODIFICATIONS

A. Section 4-505(B)(2) – Lot Requirements. Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.

Zoning Ordinance Provision to be Modified:

No building, outdoor storage, areas for collection of refuse, or loading area shall be permitted closer than seventy-five (75) feet to any agricultural district, any existing or zoned residential district, or land bay allowing residential uses. No parking shall be permitted closer than sixty (60) feet to any such districts and uses. No parking, outdoor storage, areas for collection of refuse, or loading space shall be permitted in areas between building and such agricultural districts, existing or planned residential districts, or land bays allowing residential uses where such uses are visible from the said agricultural and residential areas. When a PD-IP lot, parcel and/or landbay is developed adjacent to an agricultural district, an existing or zoned residential district, or land bay allowing residential uses, which is zoned for agricultural or residential uses subsequent to the adoption of this zoning ordinance and subsequent to zoning of the subject property as PD-IP, the setback required in (B)(3) below shall apply.

Proposed Modification: Applicant requests modification of the side yard building setback from 75 feet to 29 feet and the parking setback from 60 feet to 15 feet.

Justification: *Proposed side yard building setback:* The Applicant is requesting a zoning modification to allow the reduction of the side yard building setback between the proposed childcare facility building and the eastern Property boundary (as shown on the special exception plat). The proposed modification will allow the Applicant to locate parking spaces closer to the Property's entrance and away from residential units. Due to the shape of the Property, if the side yard building setback was to be respected, parking spaces would need to be located along the western boundary of the Property, in close proximity to residential lots. In meeting with residents prior to and post the submission of this special exception application, it has been clear that residents do not want parking space close to their homes. Furthermore, the play area required for the proposed use would have to wrap around the southern and eastern edges of the childcare facility in an 'L' shape. Such a layout would make the play area more difficult to monitor by school staff, less secure and less usable than the proposed layout.

In requesting this zoning modification, the Applicant notes that the proposed childcare facility is not a typical use anticipated in the PD-IP zoning district and that the required setback may have been designed with other, more industrial uses in mind. Further, the Ashbrook Homeowners Association open space bounds the Property to the east and provides an additional setback between the proposed building and neighboring residential properties, thereby minimizing the impact of this proposed modification.

The Applicant does not anticipate that the proposed building yard reduction would have a negative impact on the screening of the childcare facility from surrounding uses. The

Applicant is proposing Type 2 buffer planting along the eastern edge of the Property, which will supplement existing vegetation on open space owned by the Ashbrook HOA located between the Property and surrounding residential parcels. Notwithstanding the aforementioned, as discussed above, the Applicant believes that the proposed childcare facility is compatible with the surrounding residential uses. Furthermore, it is important to note that the proposed zoning modification is only necessary for the childcare facility building, which represents a small portion of the eastern edge of the Property.

The Applicant does not anticipate any noise impacts from the proposed building. Furthermore, the proposed use is considered to be compatible with surrounding residential uses: the proposed childcare facility is a by-right use in the PD-H district, which is the zoning district covering the surrounding residential properties on Navajo Drive and Mohave Drive. Furthermore, should the zoning modification be granted, the proposed building would still be approximately 100 feet from the closest home and 75 feet from the boundary of the closest residential property. The potential for an impact from noise to the surrounding residential uses would not be increased by this proposed zoning modification.

Proposed parking setback: The Applicant is requesting a reduction in the parking setback on a small portion of the western Property boundary (as shown on the special exception plat).

In requesting the modification of the parking setback, the Applicant is seeking to provide parking spaces close to the facility's entrance and Russell Branch Parkway and away from the proposed play area and adjacent residential units. Further, the western edge of the Property in the location of the proposed modification is adjacent to open space owned by the Ashbrook HOA. This open space provides an additional setback and buffer between the proposed parking spaces and surrounding residential properties.

To help mitigate any visual impacts from the reduced parking setback, the Applicant is proposing to increase buffer planting along this Property boundary from the Type 2 to the Type 3 buffer plantings. The Applicant does not anticipate any noise impacts from the proposed parking setback reduction. As discussed above, the parking the western edge of the Property is bounded by an area of open space owned by the Ashbrook HOA. As proposed, the parking spaces would be a minimum of 40 feet to the closest residential lot and 70 feet to the closest residential unit.

B. Section 5-1414(B) – Buffer Yard.

Zoning Ordinance Provision to be Modified:

Type 2 Side Yard Buffer width 20' maximum.

Proposed Modification: Applicant requests modification of a portion of the 20 foot Type 2 side yard buffer to a 15 foot Type 2 side yard buffer.

Justification: This modification is requested on the western boundary of the Property, adjacent to fourteen proposed parking spaces. The modification will allow the Applicant to provide parking spaces close to the entrance to the Property and away from the proposed play area and surrounding residential uses. As discussed above, the proposed reduced buffer yard will be supplemented by Ashbrook HOA owned open space on the western edge of the Property. As shown on the special exception plat, the portion of the Property the subject of this modification request does not adjoin residential properties and would not detrimentally affect any surrounding property owners.

The Applicant is not seeking to reduce the planting required in this buffer yard, just its width. Furthermore, to provide additional justification for this modification request, the Applicant has proposed to increase buffer planting required along the western edge of the Property from Type 2 to Type 3 plantings. As shown on Sheet 3 of the special exception plat, the Applicant believes this additional planting will assist in the screening of the proposed use from surrounding residential properties.

SUMMARY

The requested modifications are modest relaxations of the Zoning Ordinance regulations that provide the flexibility to design the most appropriate and attractive childcare facility. The requested modifications meet the criteria of Section 6-1504 by promoting innovative design and exceeding the purposes of the existing regulations. Therefore, Applicant respectfully requests approval of these modifications.

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